Enrolled Copy	H.B. 2	<b>220</b>

1	LAND USE AMENDMENTS			
2	2014 GENERAL SESSION			
3	STATE OF UTAH			
4	Chief Sponsor: Gage Froerer			
5	Senate Sponsor: J. Stuart Adams			
6 7	LONG TITLE			
8	General Description:			
9	This bill amends provisions related to land use.			
10	Highlighted Provisions:			
11	This bill:			
12	<ul> <li>clarifies the definition of land use authority;</li> </ul>			
13	<ul> <li>allows a land use applicant a substantive review of the application in certain</li> </ul>			
14	circumstances;			
15	requires the land use authority to provide notice of a petition to vacate or amend a			
16	plat to each entity that provides a service to an owner of record of the portion of the			
17	plat that is being vacated or amended at least 10 calendar days before the land use			
18	authority may approve the vacation or amendment of the plat;			
19	<ul> <li>provides that a recorded, amended plat vacates a previously recorded plat;</li> </ul>			
20	<ul> <li>provides that a recorded vacating ordinance replaces a previously recorded plat</li> </ul>			
21	described in the vacating ordinance;			
22	<ul><li>requires that an amended plat be signed by the land use authority; and</li></ul>			
23	<ul><li>makes technical corrections.</li></ul>			
24	Money Appropriated in this Bill:			
25	None			
26	Other Special Clauses:			
27	None			
28	<b>Utah Code Sections Affected:</b>			
29	AMENDS:			

30	10-9a-103, as last amended by Laws of Utah 2013, Chapters 309 and 334		
31	10-9a-509, as last amended by Laws of Utah 2012, Chapter 216		
32	10-9a-608, as last amended by Laws of Utah 2010, Chapters 269 and 381		
33	10-9a-609, as last amended by Laws of Utah 2010, Chapter 381		
34	17-27a-103, as last amended by Laws of Utah 2013, Chapters 309, 334, and 476		
35	17-27a-508, as last amended by Laws of Utah 2012, Chapter 216		
36	17-27a-608, as last amended by Laws of Utah 2010, Chapters 269 and 381		
37	17-27a-609, as last amended by Laws of Utah 2010, Chapter 381		
38 39	Be it enacted by the Legislature of the state of Utah:		
40	Section 1. Section <b>10-9a-103</b> is amended to read:		
41	10-9a-103. Definitions.		
42	As used in this chapter:		
43	(1) "Affected entity" means a county, municipality, local district, special service		
44	district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal		
45	cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified		
46	public utility, property owner, property owners association, or the Utah Department of		
47	Transportation, if:		
48	(a) the entity's services or facilities are likely to require expansion or significant		
49	modification because of an intended use of land;		
50	(b) the entity has filed with the municipality a copy of the entity's general or long-range		
51	plan; or		
52	(c) the entity has filed with the municipality a request for notice during the same		
53	calendar year and before the municipality provides notice to an affected entity in compliance		
54	with a requirement imposed under this chapter.		
55	(2) "Appeal authority" means the person, board, commission, agency, or other body		
56	designated by ordinance to decide an appeal of a decision of a land use application or a		
57	variance.		

(3) "Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located. (4) (a) "Charter school" means: (i) an operating charter school; (ii) a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or (iii) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building. (b) "Charter school" does not include a therapeutic school. (5) "Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. (6) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the: (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or (b) Utah Constitution Article I, Section 22. (7) "Culinary water authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property. (8) "Development activity" means: (a) any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;

- 82 (b) any change in use of a building or structure that creates additional demand and need
- 83 for public facilities; or

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(c) any change in the use of land that creates additional demand and need for public facilities.

86	(9) (a) "Disability" means a physical or mental impairment that substantially limits one		
87	or more of a person's major life activities, including a person having a record of such an		
88	impairment or being regarded as having such an impairment.		
89	(b) "Disability" does not include current illegal use of, or addiction to, any federally		
90	controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.		
91	802.		
92	(10) "Educational facility":		
93	(a) means:		
94	(i) a school district's building at which pupils assemble to receive instruction in a		
95	program for any combination of grades from preschool through grade 12, including		
96	kindergarten and a program for children with disabilities;		
97	(ii) a structure or facility:		
98	(A) located on the same property as a building described in Subsection (10)(a)(i); and		
99	(B) used in support of the use of that building; and		
100	(iii) a building to provide office and related space to a school district's administrative		
101	personnel; and		
102	(b) does not include:		
103	(i) land or a structure, including land or a structure for inventory storage, equipment		
104	storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:		
105	(A) not located on the same property as a building described in Subsection (10)(a)(i);		
106	and		
107	(B) used in support of the purposes of a building described in Subsection (10)(a)(i); or		
108	(ii) a therapeutic school.		
109	(11) "Fire authority" means the department, agency, or public entity with responsibility		
110	to review and approve the feasibility of fire protection and suppression services for the subject		
111	property.		
112	(12) "Flood plain" means land that:		
113	(a) is within the 100-year flood plain designated by the Federal Emergency		

114 Management Agency; or 115 (b) has not been studied or designated by the Federal Emergency Management Agency 116 but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because 117 the land has characteristics that are similar to those of a 100-year flood plain designated by the 118 Federal Emergency Management Agency. 119 (13) "General plan" means a document that a municipality adopts that sets forth general 120 guidelines for proposed future development of the land within the municipality. 121 (14) "Geologic hazard" means: 122 (a) a surface fault rupture; 123 (b) shallow groundwater; 124 (c) liquefaction; 125 (d) a landslide; 126 (e) a debris flow; (f) unstable soil; 127 128 (g) a rock fall; or 129 (h) any other geologic condition that presents a risk: (i) to life; 130 131 (ii) of substantial loss of real property; or 132 (iii) of substantial damage to real property. 133 (15) "Hookup fee" means a fee for the installation and inspection of any pipe, line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power, or other 134 135 utility system. (16) "Identical plans" means building plans submitted to a municipality that: 136 137 (a) are clearly marked as "identical plans"; 138 (b) are substantially identical to building plans that were previously submitted to and 139 reviewed and approved by the municipality; and 140 (c) describe a building that: 141 (i) is located on land zoned the same as the land on which the building described in the

142	previously approved plans is located;
143	(ii) is subject to the same geological and meteorological conditions and the same law
144	as the building described in the previously approved plans;
145	(iii) has a floor plan identical to the building plan previously submitted to and reviewed
146	and approved by the municipality; and
147	(iv) does not require any additional engineering or analysis.
148	(17) "Impact fee" means a payment of money imposed under Title 11, Chapter 36a,
149	Impact Fees Act.
150	(18) "Improvement completion assurance" means a surety bond, letter of credit, cash,
151	or other security required by a municipality to guaranty the proper completion of landscaping
152	or infrastructure that the land use authority has required as a condition precedent to:
153	(a) recording a subdivision plat; or
154	(b) beginning development activity.
155	(19) "Improvement warranty" means an applicant's unconditional warranty that the
156	accepted landscaping or infrastructure:
157	(a) complies with the municipality's written standards for design, materials, and
158	workmanship; and
159	(b) will not fail in any material respect, as a result of poor workmanship or materials,
160	within the improvement warranty period.
161	(20) "Improvement warranty period" means a period:
162	(a) no later than one year after a municipality's acceptance of required landscaping; or
163	(b) no later than one year after a municipality's acceptance of required infrastructure,
164	unless the municipality:
165	(i) determines for good cause that a one-year period would be inadequate to protect the
166	public health, safety, and welfare; and
167	(ii) has substantial evidence, on record:
168	(A) of prior poor performance by the applicant; or

(B) that the area upon which the infrastructure will be constructed contains suspect soil

170 and the municipality has not otherwise required the applicant to mitigate the suspect soil. 171 (21) "Internal lot restriction" means a platted note, platted demarcation, or platted designation that: 172 173 (a) runs with the land; and (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on 174 175 the plat; or 176 (ii) designates a development condition that is enclosed within the perimeter of a lot 177 described on the plat. 178 (22) "Land use application" means an application required by a municipality's land use 179 ordinance. 180 (23) "Land use authority" means: 181 (a) a person, board, commission, agency, or [other] body, including the local legislative 182 body, designated by the local legislative body to act upon a land use application[-]; or (b) if the local legislative body has not designated a person, board, commission, 183 184 agency, or body, the local legislative body. 185 (24) "Land use ordinance" means a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan. 186 187 (25) "Land use permit" means a permit issued by a land use authority. (26) "Legislative body" means the municipal council. 188 189 (27) "Local district" means an entity under Title 17B, Limited Purpose Local 190 Government Entities - Local Districts, and any other governmental or quasi-governmental 191 entity that is not a county, municipality, school district, or the state. 192 (28) "Lot line adjustment" means the relocation of the property boundary line in a 193 subdivision between two adjoining lots with the consent of the owners of record. (29) "Moderate income housing" means housing occupied or reserved for occupancy 194 195 by households with a gross household income equal to or less than 80% of the median gross 196 income for households of the same size in the county in which the city is located.

(30) "Nominal fee" means a fee that reasonably reimburses a municipality only for time

198	spent and expenses incurred in:
199	(a) verifying that building plans are identical plans; and
200	(b) reviewing and approving those minor aspects of identical plans that differ from the
201	previously reviewed and approved building plans.
202	(31) "Noncomplying structure" means a structure that:
203	(a) legally existed before its current land use designation; and
204	(b) because of one or more subsequent land use ordinance changes, does not conform
205	to the setback, height restrictions, or other regulations, excluding those regulations, which
206	govern the use of land.
207	(32) "Nonconforming use" means a use of land that:
208	(a) legally existed before its current land use designation;
209	(b) has been maintained continuously since the time the land use ordinance governing
210	the land changed; and
211	(c) because of one or more subsequent land use ordinance changes, does not conform
212	to the regulations that now govern the use of the land.
213	(33) "Official map" means a map drawn by municipal authorities and recorded in a
214	county recorder's office that:
215	(a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for
216	highways and other transportation facilities;
217	(b) provides a basis for restricting development in designated rights-of-way or between
218	designated setbacks to allow the government authorities time to purchase or otherwise reserve
219	the land; and
220	(c) has been adopted as an element of the municipality's general plan.
221	(34) "Parcel boundary adjustment" means a recorded agreement between owners of
222	adjoining properties adjusting their mutual boundary if:
223	(a) no additional parcel is created; and

(b) each property identified in the agreement is unsubdivided land, including a

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remainder of subdivided land.

226	(35) "Person" means an individual, corporation, partnership, organization, association,
227	trust, governmental agency, or any other legal entity.
228	(36) "Plan for moderate income housing" means a written document adopted by a city
229	legislative body that includes:
230	(a) an estimate of the existing supply of moderate income housing located within the
231	city;
232	(b) an estimate of the need for moderate income housing in the city for the next five
233	years as revised biennially;
234	(c) a survey of total residential land use;
235	(d) an evaluation of how existing land uses and zones affect opportunities for moderate
236	income housing; and
237	(e) a description of the city's program to encourage an adequate supply of moderate
238	income housing.
239	(37) "Plat" means a map or other graphical representation of lands being laid out and
240	prepared in accordance with Section 10-9a-603, 17-23-17, or 57-8-13.
241	(38) "Potential geologic hazard area" means an area that:
242	(a) is designated by a Utah Geological Survey map, county geologist map, or other
243	relevant map or report as needing further study to determine the area's potential for geologic
244	hazard; or
245	(b) has not been studied by the Utah Geological Survey or a county geologist but
246	presents the potential of geologic hazard because the area has characteristics similar to those of
247	a designated geologic hazard area.
248	(39) "Public agency" means:
249	(a) the federal government;
250	(b) the state;
251	(c) a county, municipality, school district, local district, special service district, or other
252	political subdivision of the state; or
253	(d) a charter school.

254	(40) "Public hearing" means a hearing at which members of the public are provided a
255	reasonable opportunity to comment on the subject of the hearing.
256	(41) "Public meeting" means a meeting that is required to be open to the public under
257	Title 52, Chapter 4, Open and Public Meetings Act.
258	(42) "Receiving zone" means an area of a municipality that the municipality
259	designates, by ordinance, as an area in which an owner of land may receive a transferable
260	development right.
261	(43) "Record of survey map" means a map of a survey of land prepared in accordance
262	with Section 17-23-17.
263	(44) "Residential facility for persons with a disability" means a residence:
264	(a) in which more than one person with a disability resides; and
265	(b) (i) which is licensed or certified by the Department of Human Services under Title
266	62A, Chapter 2, Licensure of Programs and Facilities; or
267	(ii) which is licensed or certified by the Department of Health under Title 26, Chapter
268	21, Health Care Facility Licensing and Inspection Act.
269	(45) "Rules of order and procedure" means a set of rules that govern and prescribe in a
270	public meeting:
271	(a) parliamentary order and procedure;
272	(b) ethical behavior; and
273	(c) civil discourse.
274	(46) "Sanitary sewer authority" means the department, agency, or public entity with
275	responsibility to review and approve the feasibility of sanitary sewer services or onsite
276	wastewater systems.
277	(47) "Sending zone" means an area of a municipality that the municipality designates,
278	by ordinance, as an area from which an owner of land may transfer a transferable development
279	right.
280	(48) "Specified public agency" means:
281	(a) the state:

282	(b) a school district; or			
283	(c) a charter school.			
284	(49) "Specified public utility" means an electrical corporation, gas corporation, or			
285	telephone corporation, as those terms are defined in Section 54-2-1.			
286	(50) "State" includes any department, division, or agency of the state.			
287	(51) "Street" means a public right-of-way, including a highway, avenue, boulevard,			
288	parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other			
289	way.			
290	(52) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be			
291	divided into two or more lots, parcels, sites, units, plots, or other division of land for the			
292	purpose, whether immediate or future, for offer, sale, lease, or development either on the			
293	installment plan or upon any and all other plans, terms, and conditions.			
294	(b) "Subdivision" includes:			
295	(i) the division or development of land whether by deed, metes and bounds description,			
296	devise and testacy, map, plat, or other recorded instrument; and			
297	(ii) except as provided in Subsection (52)(c), divisions of land for residential and			
298	nonresidential uses, including land used or to be used for commercial, agricultural, and			
299	industrial purposes.			
300	(c) "Subdivision" does not include:			
301	(i) a bona fide division or partition of agricultural land for the purpose of joining one of			
302	the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if			
303	neither the resulting combined parcel nor the parcel remaining from the division or partition			
304	violates an applicable land use ordinance;			
305	(ii) a recorded agreement between owners of adjoining unsubdivided properties			
306	adjusting their mutual boundary if:			
307	(A) no new lot is created; and			
308	(B) the adjustment does not violate applicable land use ordinances;			

(iii) a recorded document, executed by the owner of record:

310	(A) revising the legal description of more than one contiguous unsubdivided parcel of
311	property into one legal description encompassing all such parcels of property; or
312	(B) joining a subdivided parcel of property to another parcel of property that has not
313	been subdivided, if the joinder does not violate applicable land use ordinances;
314	(iv) a recorded agreement between owners of adjoining subdivided properties adjusting
315	their mutual boundary if:
316	(A) no new dwelling lot or housing unit will result from the adjustment; and
317	(B) the adjustment will not violate any applicable land use ordinance;
318	(v) a bona fide division or partition of land by deed or other instrument where the land
319	use authority expressly approves in writing the division in anticipation of further land use
320	approvals on the parcel or parcels; or
321	(vi) a parcel boundary adjustment.
322	(d) The joining of a subdivided parcel of property to another parcel of property that has
323	not been subdivided does not constitute a subdivision under this Subsection (52) as to the
324	unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's
325	subdivision ordinance.
326	(53) "Suspect soil" means soil that has:
327	(a) a high susceptibility for volumetric change, typically clay rich, having more than a
328	3% swell potential;
329	(b) bedrock units with high shrink or swell susceptibility; or
330	(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
331	commonly associated with dissolution and collapse features.
332	(54) "Therapeutic school" means a residential group living facility:
333	(a) for four or more individuals who are not related to:
334	(i) the owner of the facility; or
335	(ii) the primary service provider of the facility;
336	(b) that serves students who have a history of failing to function:
337	(i) at home;

338	(ii) in a public school; or
339	(iii) in a nonresidential private school; and
340	(c) that offers:
341	(i) room and board; and
342	(ii) an academic education integrated with:
343	(A) specialized structure and supervision; or
344	(B) services or treatment related to a disability, an emotional development, a
345	behavioral development, a familial development, or a social development.
346	(55) "Transferable development right" means a right to develop and use land that
347	originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
348	land use rights from a designated sending zone to a designated receiving zone.
349	(56) "Unincorporated" means the area outside of the incorporated area of a city or
350	town.
351	(57) "Water interest" means any right to the beneficial use of water, including:
352	(a) each of the rights listed in Section 73-1-11; and
353	(b) an ownership interest in the right to the beneficial use of water represented by:
354	(i) a contract; or
355	(ii) a share in a water company, as defined in Section 73-3-3.5.
356	(58) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
357	land use zones, overlays, or districts.
358	Section 2. Section 10-9a-509 is amended to read:
359	10-9a-509. Applicant's entitlement to land use application approval Exceptions
360	Application relating to land in a high priority transportation corridor Municipality's
361	requirements and limitations Vesting upon submission of development plan and
362	schedule.
363	(1) (a) (i) An applicant who has filed a complete land use application, including the
364	payment of all application fees, is entitled to substantive land use review of the land use
365	application under the land use laws in effect on the date that the application is complete and as

further	provided	in	this	section
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- (ii) Except as provided in Subsection (1)(b), an applicant is entitled to approval of a land use application if the application conforms to the requirements of the municipality's land use maps, zoning map, a municipal specification for public improvements applicable to a subdivision or development, and an applicable land use ordinance in effect when a complete application is submitted and all application fees have been paid, unless:
- [(i)] (A) the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
- [(ii)] (B) in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.
- (b) (i) Except as provided in Subsection (1)(c), an applicant is not entitled to approval of a land use application until the requirements of this Subsection (1)(b) have been met if the land use application relates to land located within the boundaries of a high priority transportation corridor designated in accordance with Section 72-5-403.
- (ii) (A) A municipality shall notify the executive director of the Department of Transportation of any land use applications that relate to land located within the boundaries of a high priority transportation corridor.
- (B) The notification under Subsection (1)(b)(ii)(A) shall be in writing and mailed by certified or registered mail to the executive director of the Department of Transportation.
- (iii) Except as provided in Subsection (1)(c), a municipality may not approve a land use application that relates to land located within the boundaries of a high priority transportation corridor until:
- (A) 30 days after the notification under Subsection (1)(b)(ii)(A) is received by the Department of Transportation if the land use application is for a building permit; or
- (B) 45 days after the notification under Subsection (1)(b)(ii)(A) is received by the Department of Transportation if the land use application is for any land use other than a building permit.

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application; and

(iv) (A) If an application is an application for a subdivision approval, including any land, subject to Subsection (1)(b)(iv)(C), located within 100 feet of the center line of a canal, the land use authority shall: (I) within 30 days after the day on which the application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal operator has provided information under Section 10-9a-211; and (II) wait at least 10 days after the day on which the land use authority notifies a canal company or canal operator under Subsection (1)(b)(iv)(A)(I) to approve or reject the subdivision application described in Subsection (1)(b)(iv)(A). (B) The notification under Subsection (1)(b)(iv)(A) shall be in writing and mailed by certified or registered mail to the canal company or canal operator contact described in Section 10-9a-211. (C) The location of land described in Subsection (1)(b)(iv)(A) shall be: (I) provided by a canal company or canal operator to the land use authority; and (II) (Aa) determined by use of mapping-grade global positioning satellite units; or (Bb) digitized from the most recent aerial photo available to the canal company or canal operator. (c) (i) A land use application is exempt from the requirements of Subsections (1)(b)(i) and (ii) if: (A) the land use application relates to land that was the subject of a previous land use application; and (B) the previous land use application described under Subsection (1)(c)(i)(A) complied with the requirements of Subsections (1)(b)(i) and (ii). (ii) A municipality may approve a land use application without making the required notifications under Subsection (1)(b)(ii)(A) if: (A) the land use application relates to land that was the subject of a previous land use

(B) the previous land use application described under Subsection (1)(c)(ii)(A)

422	complied with the requirements of Subsections (1)(b)(i) and (ii).
423	(d) After a municipality has complied with the requirements of Subsection (1)(b) for a
424	land use application, the municipality may not withhold approval of the land use application for
425	which the applicant is otherwise entitled under Subsection (1)(a).
426	(e) The municipality shall process an application without regard to proceedings
427	initiated to amend the municipality's ordinances as provided in Subsection (1)(a)(ii)(B) if:
428	(i) 180 days have passed since the proceedings were initiated; and
429	(ii) the proceedings have not resulted in an enactment that prohibits approval of the
430	application as submitted.
431	(f) An application for a land use approval is considered submitted and complete when
432	the application is provided in a form that complies with the requirements of applicable
433	ordinances and all applicable fees have been paid.
434	(g) The continuing validity of an approval of a land use application is conditioned upon
435	the applicant proceeding after approval to implement the approval with reasonable diligence.
436	(h) A municipality may not impose on an applicant who has submitted a complete
437	application for preliminary subdivision approval a requirement that is not expressed in:
438	(i) this chapter;
439	(ii) a municipal ordinance; or
440	(iii) a municipal specification for public improvements applicable to a subdivision or
441	development that is in effect on the date that the applicant submits an application.
442	(i) A municipality may not impose on a holder of an issued land use permit or a final,
443	unexpired subdivision plat a requirement that is not expressed:
444	(i) in a land use permit;
445	(ii) on the subdivision plat;
446	(iii) in a document on which the land use permit or subdivision plat is based;
447	(iv) in the written record evidencing approval of the land use permit or subdivision

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plat;

(v) in this chapter; or

(vi) in a municipal ordinance.

- (j) A municipality may not withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because of an applicant's failure to comply with a requirement that is not expressed:
- (i) in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or
  - (ii) in this chapter or the municipality's ordinances.
- (2) A municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.
- (3) A municipality may not, as a condition of land use application approval, require a person filing a land use application to obtain documentation regarding a school district's willingness, capacity, or ability to serve the development proposed in the land use application.
- (4) Upon a specified public agency's submission of a development plan and schedule as required in Subsection 10-9a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the municipality's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use ordinances in effect on the date of submission.
  - Section 3. Section 10-9a-608 is amended to read:

## 10-9a-608. Vacating, altering, or amending a subdivision plat.

- (1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended.
- (b) If a petition is filed under Subsection (1)(a), the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the vacation or amendment of the plat.

478	[(b)] (c) If a petition is filed under Subsection (1)(a), the land use authority shall hold a
479	public hearing within 45 days after the day on which the petition is filed if:
480	(i) any owner within the plat notifies the municipality of the owner's objection in
481	writing within 10 days of mailed notification; or
482	(ii) a public hearing is required because all of the owners in the subdivision have not
483	signed the revised plat.
484	(2) Unless a local ordinance provides otherwise, the public hearing requirement of
485	Subsection (1)[(b)](c) does not apply and a land use authority may consider at a public meeting
486	an owner's petition to vacate or amend a subdivision plat if:
487	(a) the petition seeks to:
488	(i) join two or more of the petitioner fee owner's contiguous lots;
489	(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not
490	result in a violation of a land use ordinance or a development condition;
491	(iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the
492	adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located
493	in the same subdivision;
494	(iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction
495	imposed by the local political subdivision; or
496	(v) alter the plat in a manner that does not change existing boundaries or other
497	attributes of lots within the subdivision that are not:
498	(A) owned by the petitioner; or
499	(B) designated as a common area; and
500	(b) notice has been given to adjacent property owners in accordance with any
501	applicable local ordinance.
502	(3) Each request to vacate or amend a plat that contains a request to vacate or amend a
503	public street, right-of-way, or easement is also subject to Section 10-9a-609.5.
504	(4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:
505	(a) the name and address of each owner of record of the land contained in the entire

506	plat or on that portion of the plat described in the petition; and
507	(b) the signature of each owner described in Subsection (4)(a) who consents to the
508	petition.
509	(5) (a) The owners of record of adjacent parcels that are described by either a metes
510	and bounds description or by a recorded plat may exchange title to portions of those parcels if
511	the exchange of title is approved by the land use authority in accordance with Subsection
512	(5)(b).
513	(b) The land use authority shall approve an exchange of title under Subsection (5)(a) if
514	the exchange of title will not result in a violation of any land use ordinance.
515	(c) If an exchange of title is approved under Subsection (5)(b):
516	(i) a notice of approval shall be recorded in the office of the county recorder which:
517	(A) is executed by each owner included in the exchange and by the land use authority;
518	(B) contains an acknowledgment for each party executing the notice in accordance with
519	the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
520	(C) recites the descriptions of both the original parcels and the parcels created by the
521	exchange of title; and
522	(ii) a document of conveyance shall be recorded in the office of the county recorder.
523	(d) A notice of approval recorded under this Subsection (5) does not act as a
524	conveyance of title to real property and is not required in order to record a document conveying
525	title to real property.
526	(6) (a) The name of a recorded subdivision may be changed by recording an amended
527	plat making that change, as provided in this section and subject to Subsection (6)(c).
528	(b) The surveyor preparing the amended plat shall certify that the surveyor:
529	(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
530	Professional Land Surveyors Licensing Act;
531	(ii) has completed a survey of the property described on the plat in accordance with

Section 17-23-17 and has verified all measurements; and

(iii) has placed monuments as represented on the plat.

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534	(c) An owner of land may not submit for recording an amended plat that gives the
535	subdivision described in the amended plat the same name as a subdivision in a plat already
536	recorded in the county recorder's office.
537	(d) Except as provided in Subsection (6)(a), the recording of a declaration or other
538	document that purports to change the name of a recorded plat is void.
539	Section 4. Section 10-9a-609 is amended to read:
540	10-9a-609. Land use authority approval of vacation or amendment of plat
541	Recording the amended plat.
542	(1) The land use authority may approve the vacation or amendment of a plat by signing
543	an amended plat showing the vacation or amendment if the land use authority finds that:
544	(a) there is good cause for the vacation or amendment; and
545	(b) no public street, right-of-way, or easement has been vacated or amended.
546	(2) (a) The land use authority shall ensure that the amended plat showing the vacation
547	or amendment is recorded in the office of the county recorder in which the land is located.
548	(b) If the amended plat is approved and recorded in accordance with this section, the
549	recorded plat shall vacate, supersede, and replace any contrary provision in a previously
550	recorded plat of the same land.
551	(3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by
552	recording in the county recorder's office an ordinance describing the subdivision or the portion
553	being vacated.
554	(b) The recorded vacating ordinance shall replace a previously recorded plat described
555	in the vacating ordinance.
556	(4) An amended plat may not be submitted to the county recorder for recording unless
557	it is [signed, acknowledged, and dedicated by each owner of record of the portion of the plat
558	that is amended.]:
559	(a) signed by the land use authority; and
560	(b) signed, acknowledged, and dedicated by each owner of record of the portion of the
561	plat that is amended.

562	(5) A management committee may sign and dedicate an amended plat as provided in
563	Title 57, Chapter 8, Condominium Ownership Act.
564	(6) A plat may be corrected as provided in Section 57-3-106.
565	Section 5. Section 17-27a-103 is amended to read:
566	17-27a-103. Definitions.
567	As used in this chapter:
568	(1) "Affected entity" means a county, municipality, local district, special service
569	district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal
570	cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified
571	property owner, property owners association, public utility, or the Utah Department of
572	Transportation, if:
573	(a) the entity's services or facilities are likely to require expansion or significant
574	modification because of an intended use of land;
575	(b) the entity has filed with the county a copy of the entity's general or long-range plan;
576	or
577	(c) the entity has filed with the county a request for notice during the same calendar
578	year and before the county provides notice to an affected entity in compliance with a
579	requirement imposed under this chapter.
580	(2) "Appeal authority" means the person, board, commission, agency, or other body
581	designated by ordinance to decide an appeal of a decision of a land use application or a
582	variance.
583	(3) "Billboard" means a freestanding ground sign located on industrial, commercial, or
584	residential property if the sign is designed or intended to direct attention to a business, product,
585	or service that is not sold, offered, or existing on the property where the sign is located.
586	(4) (a) "Charter school" means:
587	(i) an operating charter school;
588	(ii) a charter school applicant that has its application approved by a chartering entity in
589	accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; or

590 (iii) an entity that is working on behalf of a charter school or approved charter 591 applicant to develop or construct a charter school building. 592 (b) "Charter school" does not include a therapeutic school. 593 (5) "Chief executive officer" means the person or body that exercises the executive 594 powers of the county. 595 (6) "Conditional use" means a land use that, because of its unique characteristics or 596 potential impact on the county, surrounding neighbors, or adjacent land uses, may not be 597 compatible in some areas or may be compatible only if certain conditions are required that 598 mitigate or eliminate the detrimental impacts. 599 (7) "Constitutional taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the: 600 (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or 601 602 (b) Utah Constitution Article I, Section 22. 603 (8) "Culinary water authority" means the department, agency, or public entity with 604 responsibility to review and approve the feasibility of the culinary water system and sources for 605 the subject property. (9) "Development activity" means: 606 (a) any construction or expansion of a building, structure, or use that creates additional 607 608 demand and need for public facilities: 609 (b) any change in use of a building or structure that creates additional demand and need 610 for public facilities; or 611 (c) any change in the use of land that creates additional demand and need for public 612 facilities. 613

(10) (a) "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.

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(b) "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C.

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619	(11) "Educational facility":
620	(a) means:
621	(i) a school district's building at which pupils assemble to receive instruction in a
622	program for any combination of grades from preschool through grade 12, including
623	kindergarten and a program for children with disabilities;
624	(ii) a structure or facility:
625	(A) located on the same property as a building described in Subsection (11)(a)(i); and
626	(B) used in support of the use of that building; and
627	(iii) a building to provide office and related space to a school district's administrative
628	personnel; and
629	(b) does not include:
630	(i) land or a structure, including land or a structure for inventory storage, equipment
631	storage, food processing or preparing, vehicle storage or maintenance, or similar use that is:
632	(A) not located on the same property as a building described in Subsection (11)(a)(i);
633	and
634	(B) used in support of the purposes of a building described in Subsection (11)(a)(i); or
635	(ii) a therapeutic school.
636	(12) "Fire authority" means the department, agency, or public entity with responsibility
637	to review and approve the feasibility of fire protection and suppression services for the subject
638	property.
639	(13) "Flood plain" means land that:
640	(a) is within the 100-year flood plain designated by the Federal Emergency
641	Management Agency; or
642	(b) has not been studied or designated by the Federal Emergency Management Agency
643	but presents a likelihood of experiencing chronic flooding or a catastrophic flood event because
644	the land has characteristics that are similar to those of a 100-year flood plain designated by the
645	Federal Emergency Management Agency.

646	(14) "Gas corporation" has the same meaning as defined in Section 54-2-1.
647	(15) "General plan" means a document that a county adopts that sets forth general
648	guidelines for proposed future development of the unincorporated land within the county.
649	(16) "Geologic hazard" means:
650	(a) a surface fault rupture;
651	(b) shallow groundwater;
652	(c) liquefaction;
653	(d) a landslide;
654	(e) a debris flow;
655	(f) unstable soil;
656	(g) a rock fall; or
657	(h) any other geologic condition that presents a risk:
658	(i) to life;
659	(ii) of substantial loss of real property; or
660	(iii) of substantial damage to real property.
661	[(18)] (17) "Hookup fee" means a fee for the installation and inspection of any pipe,
662	line, meter, or appurtenance to connect to a county water, sewer, storm water, power, or other
663	utility system.
664	[(19)] (18) "Identical plans" means building plans submitted to a county that:
665	(a) are clearly marked as "identical plans";
666	(b) are substantially identical building plans that were previously submitted to and
667	reviewed and approved by the county; and
668	(c) describe a building that:
669	(i) is located on land zoned the same as the land on which the building described in the
670	previously approved plans is located;
671	(ii) is subject to the same geological and meteorological conditions and the same law
672	as the building described in the previously approved plans;
673	(iii) has a floor plan identical to the building plan previously submitted to and reviewed

674	and approved by the county; and
675	(iv) does not require any additional engineering or analysis.
676	[(20)] (19) "Impact fee" means a payment of money imposed under Title 11, Chapter
677	36a, Impact Fees Act.
678	[(21)] (20) "Improvement completion assurance" means a surety bond, letter of credit,
679	cash, or other security required by a county to guaranty the proper completion of landscaping or
680	infrastructure that the land use authority has required as a condition precedent to:
681	(a) recording a subdivision plat; or
682	(b) beginning development activity.
683	[(22)] (21) "Improvement warranty" means an applicant's unconditional warranty that
684	the accepted landscaping or infrastructure:
685	(a) complies with the county's written standards for design, materials, and
686	workmanship; and
687	(b) will not fail in any material respect, as a result of poor workmanship or materials,
688	within the improvement warranty period.
689	[(23)] (22) "Improvement warranty period" means a period:
690	(a) no later than one year after a county's acceptance of required landscaping; or
691	(b) no later than one year after a county's acceptance of required infrastructure, unless
692	the county:
693	(i) determines for good cause that a one-year period would be inadequate to protect the
694	public health, safety, and welfare; and
695	(ii) has substantial evidence, on record:
696	(A) of prior poor performance by the applicant; or
697	(B) that the area upon which the infrastructure will be constructed contains suspect soil
698	and the county has not otherwise required the applicant to mitigate the suspect soil.
699	[(17)] (23) "Internal lot restriction" means a platted note, platted demarcation, or
700	platted designation that:
701	(a) runs with the land; and

702 (b) (i) creates a restriction that is enclosed within the perimeter of a lot described on 703 the plat; or 704 (ii) designates a development condition that is enclosed within the perimeter of a lot 705 described on the plat. 706 (24) "Interstate pipeline company" means a person or entity engaged in natural gas 707 transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under 708 the Natural Gas Act, 15 U.S.C. Sec. 717 et seq. 709 (25) "Intrastate pipeline company" means a person or entity engaged in natural gas 710 transportation that is not subject to the jurisdiction of the Federal Energy Regulatory 711 Commission under the Natural Gas Act, 15 U.S.C. Sec. 717 et seg. (26) "Land use application" means an application required by a county's land use 712 713 ordinance. 714 (27) "Land use authority" means: 715 (a) a person, board, commission, agency, or [other] body, including the local legislative 716 body, designated by the local legislative body to act upon a land use application[7]; or 717 (b) if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body. 718 719 (28) "Land use ordinance" means a planning, zoning, development, or subdivision 720 ordinance of the county, but does not include the general plan. (29) "Land use permit" means a permit issued by a land use authority. 721 (30) "Legislative body" means the county legislative body, or for a county that has 722 adopted an alternative form of government, the body exercising legislative powers. 723 724 (31) "Local district" means any entity under Title 17B, Limited Purpose Local 725 Government Entities - Local Districts, and any other governmental or quasi-governmental

subdivision between two adjoining lots with the consent of the owners of record.

(32) "Lot line adjustment" means the relocation of the property boundary line in a

entity that is not a county, municipality, school district, or the state.

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(33) "Moderate income housing" means housing occupied or reserved for occupancy

by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in the county in which the housing is located.

- (34) "Nominal fee" means a fee that reasonably reimburses a county only for time spent and expenses incurred in:
  - (a) verifying that building plans are identical plans; and

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- 735 (b) reviewing and approving those minor aspects of identical plans that differ from the 736 previously reviewed and approved building plans.
  - (35) "Noncomplying structure" means a structure that:
  - (a) legally existed before its current land use designation; and
  - (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations that govern the use of land.
    - (36) "Nonconforming use" means a use of land that:
    - (a) legally existed before its current land use designation;
- 744 (b) has been maintained continuously since the time the land use ordinance regulation 745 governing the land changed; and
  - (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.
  - (37) "Official map" means a map drawn by county authorities and recorded in the county recorder's office that:
  - (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
  - (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
    - (c) has been adopted as an element of the county's general plan.
- 756 (38) "Parcel boundary adjustment" means a recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

758	(a) no additional parcel is created; and
759	(b) each property identified in the agreement is unsubdivided land, including a
760	remainder of subdivided land.
761	(39) "Person" means an individual, corporation, partnership, organization, association,
762	trust, governmental agency, or any other legal entity.
763	(40) "Plan for moderate income housing" means a written document adopted by a
764	county legislative body that includes:
765	(a) an estimate of the existing supply of moderate income housing located within the
766	county;
767	(b) an estimate of the need for moderate income housing in the county for the next five
768	years as revised biennially;
769	(c) a survey of total residential land use;
770	(d) an evaluation of how existing land uses and zones affect opportunities for moderate
771	income housing; and
772	(e) a description of the county's program to encourage an adequate supply of moderate
773	income housing.
774	(41) "Plat" means a map or other graphical representation of lands being laid out and
775	prepared in accordance with Section 17-27a-603, 17-23-17, or 57-8-13.
776	(42) "Potential geologic hazard area" means an area that:
777	(a) is designated by a Utah Geological Survey map, county geologist map, or other
778	relevant map or report as needing further study to determine the area's potential for geologic
779	hazard; or
780	(b) has not been studied by the Utah Geological Survey or a county geologist but
781	presents the potential of geologic hazard because the area has characteristics similar to those of
782	a designated geologic hazard area.
783	(43) "Public agency" means:

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(a) the federal government;

(b) the state;

786 (c) a county, municipality, school district, local district, special service district, or other 787 political subdivision of the state; or 788 (d) a charter school. 789 (44) "Public hearing" means a hearing at which members of the public are provided a 790 reasonable opportunity to comment on the subject of the hearing. 791 (45) "Public meeting" means a meeting that is required to be open to the public under 792 Title 52, Chapter 4, Open and Public Meetings Act. 793 (46) "Receiving zone" means an unincorporated area of a county that the county 794 designates, by ordinance, as an area in which an owner of land may receive a transferable 795 development right. 796 (47) "Record of survey map" means a map of a survey of land prepared in accordance 797 with Section 17-23-17. 798 (48) "Residential facility for persons with a disability" means a residence: 799 (a) in which more than one person with a disability resides; and 800 (b) (i) which is licensed or certified by the Department of Human Services under Title 801 62A, Chapter 2, Licensure of Programs and Facilities; or 802 (ii) which is licensed or certified by the Department of Health under Title 26, Chapter 803 21, Health Care Facility Licensing and Inspection Act. 804 (49) "Rules of order and procedure" means a set of rules that govern and prescribe in a 805 public meeting: 806 (a) parliamentary order and procedure: 807 (b) ethical behavior; and 808 (c) civil discourse. 809 (50) "Sanitary sewer authority" means the department, agency, or public entity with 810 responsibility to review and approve the feasibility of sanitary sewer services or onsite 811 wastewater systems. (51) "Sending zone" means an unincorporated area of a county that the county 812

designates, by ordinance, as an area from which an owner of land may transfer a transferable

814	development right.
815	(52) "Site plan" means a document or map that may be required by a county during a
816	preliminary review preceding the issuance of a building permit to demonstrate that an owner's
817	or developer's proposed development activity meets a land use requirement.
818	(53) "Specified public agency" means:
819	(a) the state;
820	(b) a school district; or
821	(c) a charter school.
822	(54) "Specified public utility" means an electrical corporation, gas corporation, or
823	telephone corporation, as those terms are defined in Section 54-2-1.
824	(55) "State" includes any department, division, or agency of the state.
825	(56) "Street" means a public right-of-way, including a highway, avenue, boulevard,
826	parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other
827	way.
828	(57) (a) "Subdivision" means any land that is divided, resubdivided or proposed to be
829	divided into two or more lots, parcels, sites, units, plots, or other division of land for the
830	purpose, whether immediate or future, for offer, sale, lease, or development either on the
831	installment plan or upon any and all other plans, terms, and conditions.
832	(b) "Subdivision" includes:
833	(i) the division or development of land whether by deed, metes and bounds description,
834	devise and testacy, map, plat, or other recorded instrument; and
835	(ii) except as provided in Subsection (57)(c), divisions of land for residential and
836	nonresidential uses, including land used or to be used for commercial, agricultural, and
837	industrial purposes.
838	(c) "Subdivision" does not include:
839	(i) a bona fide division or partition of agricultural land for agricultural purposes;

(ii) a recorded agreement between owners of adjoining properties adjusting their

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mutual boundary if:

842	(A) no new lot is created; and
843	(B) the adjustment does not violate applicable land use ordinances;
844	(iii) a recorded document, executed by the owner of record:
845	(A) revising the legal description of more than one contiguous unsubdivided parcel of
846	property into one legal description encompassing all such parcels of property; or
847	(B) joining a subdivided parcel of property to another parcel of property that has not
848	been subdivided, if the joinder does not violate applicable land use ordinances;
849	(iv) a bona fide division or partition of land in a county other than a first class county
850	for the purpose of siting, on one or more of the resulting separate parcels:
851	(A) an electrical transmission line or a substation;
852	(B) a natural gas pipeline or a regulation station; or
853	(C) an unmanned telecommunications, microwave, fiber optic, electrical, or other
854	utility service regeneration, transformation, retransmission, or amplification facility;
855	(v) a recorded agreement between owners of adjoining subdivided properties adjusting
856	their mutual boundary if:
857	(A) no new dwelling lot or housing unit will result from the adjustment; and
858	(B) the adjustment will not violate any applicable land use ordinance;
859	(vi) a bona fide division or partition of land by deed or other instrument where the land
860	use authority expressly approves in writing the division in anticipation of further land use
861	approvals on the parcel or parcels; or
862	(vii) a parcel boundary adjustment.
863	(d) The joining of a subdivided parcel of property to another parcel of property that has
864	not been subdivided does not constitute a subdivision under this Subsection (57) as to the
865	unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision
866	ordinance.
867	(58) "Suspect soil" means soil that has:
868	(a) a high susceptibility for volumetric change, typically clay rich, having more than a
869	3% swell potential;

870	(b) bedrock units with high shrink or swell susceptibility; or
871	(c) gypsiferous silt and clay, gypsum, or bedrock units containing abundant gypsum
872	commonly associated with dissolution and collapse features.
873	(59) "Therapeutic school" means a residential group living facility:
874	(a) for four or more individuals who are not related to:
875	(i) the owner of the facility; or
876	(ii) the primary service provider of the facility;
877	(b) that serves students who have a history of failing to function:
878	(i) at home;
879	(ii) in a public school; or
880	(iii) in a nonresidential private school; and
881	(c) that offers:
882	(i) room and board; and
883	(ii) an academic education integrated with:
884	(A) specialized structure and supervision; or
885	(B) services or treatment related to a disability, an emotional development, a
886	behavioral development, a familial development, or a social development.
887	(60) "Township" means a contiguous, geographically defined portion of the
888	unincorporated area of a county, established under this part or reconstituted or reinstated under
889	Section 17-27a-306, with planning and zoning functions as exercised through the township
890	planning commission, as provided in this chapter, but with no legal or political identity
891	separate from the county and no taxing authority, except that "township" means a former
892	township under Laws of Utah 1996, Chapter 308, where the context so indicates.
893	(61) "Transferable development right" means a right to develop and use land that
894	originates by an ordinance that authorizes a land owner in a designated sending zone to transfer
895	land use rights from a designated sending zone to a designated receiving zone.
896	(62) "Unincorporated" means the area outside of the incorporated area of a
897	municipality.

898	(63) "Water interest" means any right to the beneficial use of water, including:
899	(a) each of the rights listed in Section 73-1-11; and
900	(b) an ownership interest in the right to the beneficial use of water represented by:
901	(i) a contract; or
902	(ii) a share in a water company, as defined in Section 73-3-3.5.
903	(64) "Zoning map" means a map, adopted as part of a land use ordinance, that depicts
904	land use zones, overlays, or districts.
905	Section 6. Section 17-27a-508 is amended to read:
906	17-27a-508. Applicant's entitlement to land use application approval
907	Exceptions Application relating to land in a high priority transportation corridor
908	County's requirements and limitations Vesting upon submission of development plan
909	and schedule.
910	(1) (a) (i) An applicant who has filed a complete land use application, including the
911	payment of all application fees, is entitled to substantive land use review of the land use
912	application under the land use laws in effect on the date that the application is complete and as
913	further provided in this section.
914	(ii) Except as provided in Subsection (1)(b), an applicant is entitled to approval of a
915	land use application if the application conforms to the requirements of the county's land use
916	maps, zoning map, and applicable land use ordinance in effect when a complete application is
917	submitted and all application fees have been paid, unless:
918	[(i)] (A) the land use authority, on the record, finds that a compelling, countervailing
919	public interest would be jeopardized by approving the application; or
920	[(ii)] (B) in the manner provided by local ordinance and before the application is
921	submitted, the county has formally initiated proceedings to amend its ordinances in a manner
922	that would prohibit approval of the application as submitted.
923	(b) (i) Except as provided in Subsection (1)(c), an applicant is not entitled to approval
924	of a land use application until the requirements of this Subsection (1)(b)(i) and Subsection
925	(1)(b)(ii) have been met if the land use application relates to land located within the boundaries

of a high priority transportation corridor designated in accordance with Section 72-5-403.

- (ii) (A) A county shall notify the executive director of the Department of Transportation of any land use applications that relate to land located within the boundaries of a high priority transportation corridor.
- (B) The notification under Subsection (1)(b)(ii)(A) shall be in writing and mailed by certified or registered mail to the executive director of the Department of Transportation.
- (iii) Except as provided in Subsection (1)(c), a county may not approve a land use application that relates to land located within the boundaries of a high priority transportation corridor until:
- (A) 30 days after the notification under Subsection (1)(b)(ii)(A) is received by the Department of Transportation if the land use application is for a building permit; or
- (B) 45 days after the notification under Subsection (1)(b)(ii)(A) is received by the Department of Transportation if the land use application is for any land use other than a building permit.
- (iv) (A) If an application is an application for a subdivision approval, including any land, subject to Subsection (1)(b)(iv)(C), located within 100 feet of the center line of a canal, the land use authority shall:
- (I) within 30 days after the day on which the application is filed, notify the canal company or canal operator responsible for the canal, if the canal company or canal owner has provided information under Section 17-27a-211; and
- (II) wait at least 10 days after the day on which the land use authority notifies a canal company or canal operator under Subsection (1)(b)(iv)(A)(I) to approve or reject the subdivision application described in Subsection (1)(b)(iv)(A).
- (B) The notification under Subsection (1)(b)(iv)(A) shall be in writing and mailed by certified or registered mail to the canal company or canal operator contact described in Section 17-27a-211.
  - (C) The location of land described in Subsection (1)(b)(iv)(A) shall be:
- 953 (I) provided by a canal company or canal operator to the land use authority; and

954	(II) (Aa) determined by use of mapping-grade global positioning satellite units; or
955	(Bb) digitized from the most recent aerial photo available to the canal company or
956	canal operator.
957	(c) (i) A land use application is exempt from the requirements of Subsection (1)(b)(i)
958	if:
959	(A) the land use application relates to land that was the subject of a previous land use
960	application; and
961	(B) the previous land use application described under Subsection (1)(c)(i)(A) complied
962	with the requirements of Subsections (1)(b)(i) and (ii).
963	(ii) A county may approve a land use application without making the required
964	notifications under Subsections (1)(b)(i) and (ii) if:
965	(A) the land use application relates to land that was the subject of a previous land use
966	application; and
967	(B) the previous land use application described under Subsection (1)(c)(ii)(A)
968	complied with the requirements of Subsections (1)(b)(i) and (ii).
969	(d) After a county has complied with the requirements of Subsection (1)(b) for a land
970	use application, the county may not withhold approval of the land use application for which the
971	applicant is otherwise entitled under Subsection (1)(a).
972	(e) The county shall process an application without regard to proceedings initiated to
973	amend the county's ordinances as provided in Subsection (1)(a)(ii)(B) if:
974	(i) 180 days have passed since the proceedings were initiated; and
975	(ii) the proceedings have not resulted in an enactment that prohibits approval of the
976	application as submitted.
977	(f) An application for a land use approval is considered submitted and complete when
978	the application is provided in a form that complies with the requirements of applicable
979	ordinances and all applicable fees have been paid.
980	(g) The continuing validity of an approval of a land use application is conditioned upon

the applicant proceeding after approval to implement the approval with reasonable diligence.

982	(h) A county may not impose on an applicant who has submitted a complete
983	application for preliminary subdivision approval a requirement that is not expressed:
984	(i) in this chapter;
985	(ii) in a county ordinance; or
986	(iii) in a county specification for public improvements applicable to a subdivision or
987	development that is in effect on the date that the applicant submits an application.
988	(i) A county may not impose on a holder of an issued land use permit or a final,
989	unexpired subdivision plat a requirement that is not expressed:
990	(i) in a land use permit;
991	(ii) on the subdivision plat;
992	(iii) in a document on which the land use permit or subdivision plat is based;
993	(iv) in the written record evidencing approval of the land use permit or subdivision
994	plat;
995	(v) in this chapter; or
996	(vi) in a county ordinance.
997	(j) A county may not withhold issuance of a certificate of occupancy or acceptance of
998	subdivision improvements because of an applicant's failure to comply with a requirement that
999	is not expressed:
1000	(i) in the building permit or subdivision plat, documents on which the building permit
1001	or subdivision plat is based, or the written record evidencing approval of the building permit or
1002	subdivision plat; or
1003	(ii) in this chapter or the county's ordinances.
1004	(2) A county is bound by the terms and standards of applicable land use ordinances and
1005	shall comply with mandatory provisions of those ordinances.
1006	(3) A county may not, as a condition of land use application approval, require a person
1007	filing a land use application to obtain documentation regarding a school district's willingness,
1008	capacity, or ability to serve the development proposed in the land use application.
1009	(4) Upon a specified public agency's submission of a development plan and schedule as

required in Subsection 17-27a-305(8) that complies with the requirements of that subsection, the specified public agency vests in the county's applicable land use maps, zoning map, hookup fees, impact fees, other applicable development fees, and land use ordinances in effect on the date of submission.

Section 7. Section 17-27a-608 is amended to read:

## 17-27a-608. Vacating or amending a subdivision plat.

- (1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended.
- (b) If a petition is filed under Subsection (1)(a), the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the vacation or amendment of the plat.
- [(b)] (c) If a petition is filed under Subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:
- (i) any owner within the plat notifies the county of the owner's objection in writing within 10 days of mailed notification; or
- (ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- (2) Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)[(b)](c) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:
  - (a) the petition seeks to:
  - (i) join two or more of the petitioning fee owner's contiguous lots;
- 1035 (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
- 1037 (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the

1038 adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located in 1039 the same subdivision; (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction 1040 1041 imposed by the local political subdivision; or 1042 (v) alter the plat in a manner that does not change existing boundaries or other 1043 attributes of lots within the subdivision that are not: 1044 (A) owned by the petitioner; or 1045 (B) designated as a common area; and 1046 (b) notice has been given to adjacent property owners in accordance with any 1047 applicable local ordinance. 1048 (3) Each request to vacate or amend a plat that contains a request to vacate or amend a 1049 public street, right-of-way, or easement is also subject to Section 17-27a-609.5. 1050 (4) Each petition to vacate or amend an entire plat or a portion of a plat shall include: (a) the name and address of each owner of record of the land contained in: 1051 (i) the entire plat; or 1052 1053 (ii) that portion of the plan described in the petition; and 1054 (b) the signature of each owner who consents to the petition. 1055 (5) (a) The owners of record of adjacent parcels that are described by either a metes 1056 and bounds description or by a recorded plat may exchange title to portions of those parcels if 1057 the exchange of title is approved by the land use authority in accordance with Subsection 1058 (5)(b). 1059 (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if 1060 the exchange of title will not result in a violation of any land use ordinance. 1061 (c) If an exchange of title is approved under Subsection (5)(b): 1062 (i) a notice of approval shall be recorded in the office of the county recorder which: (A) is executed by each owner included in the exchange and by the land use authority; 1063

(B) contains an acknowledgment for each party executing the notice in accordance with

the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

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1066	(C) recites the descriptions of both the original parcels and the parcels created by the
1067	exchange of title; and
1068	(ii) a document of conveyance of title reflecting the approved change shall be recorded
1069	in the office of the county recorder.
1070	(d) A notice of approval recorded under this Subsection (5) does not act as a
1071	conveyance of title to real property and is not required to record a document conveying title to
1072	real property.
1073	(6) (a) The name of a recorded subdivision may be changed by recording an amended
1074	plat making that change, as provided in this section and subject to Subsection (6)(c).
1075	(b) The surveyor preparing the amended plat shall certify that the surveyor:
1076	(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
1077	Professional Land Surveyors Licensing Act;
1078	(ii) has completed a survey of the property described on the plat in accordance with
1079	Section 17-23-17 and has verified all measurements; and
1080	(iii) has placed monuments as represented on the plat.
1081	(c) An owner of land may not submit for recording an amended plat that gives the
1082	subdivision described in the amended plat the same name as a subdivision recorded in the
1083	county recorder's office.
1084	(d) Except as provided in Subsection (6)(a), the recording of a declaration or other
1085	document that purports to change the name of a recorded plat is void.
1086	Section 8. Section 17-27a-609 is amended to read:
1087	17-27a-609. Land use authority approval of vacation or amendment of plat
1088	Recording the amended plat.
1089	(1) The land use authority may approve the vacation or amendment of a plat by signing
1090	an amended plat showing the vacation or amendment if the land use authority finds that:
1091	(a) there is good cause for the vacation or amendment; and
1092	(b) no public street, right-of-way, or easement has been vacated or amended.
1093	(2) (a) The land use authority shall ensure that the amended plat showing the vacation

1094 or amendment is recorded in the office of the county recorder in which the land is located. 1095 (b) If the amended plat is approved and recorded in accordance with this section, the 1096 recorded plat shall vacate, supersede, and replace any contrary provision in a previously 1097 recorded plat of the same land. (3) (a) A legislative body may vacate a subdivision or a portion of a subdivision by 1098 1099 recording in the county recorder's office an ordinance describing the subdivision or the portion being vacated. 1100 1101 (b) The recorded vacating ordinance shall replace a previously recorded plat described in the vacating ordinance. 1102 1103 (4) An amended plat may not be submitted to the county recorder for recording unless it is [signed, acknowledged, and dedicated by each owner of record of the portion of the plat 1104 that is amended.]: 1105 1106 (a) signed by the land use authority; and (b) signed, acknowledged, and dedicated by each owner of record of the portion of the 1107 1108 plat that is amended. 1109 (5) A management committee may sign and dedicate an amended plat as provided in Title 57, Chapter 8, Condominium Ownership Act. 1110

(6) A plat may be corrected as provided in Section 57-3-106.